

September 5, 2013 Planning Commission Agenda Comments

Comments by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229). ~~strikeout~~ underline format is used to suggest changes to the passages quoted in *italics*

Item No. 1 Minutes of August 22, 2013

1. Page 6, paragraph 3: “Vice Chair Tucker referenced a list of permitted and prohibited uses ~~with~~ in the PC text and suggested ...”
2. Page 7:
 - a. Paragraph 3: “Ms. Nova reported on the establishment of setbacks on all ~~streets~~ facing street-facing frontages and addressed ... “
 - b. Under Item 5:
 - i. Paragraph 1, line 2: “... it is the only element within the General Plan that requires review by the State ~~the~~ Department of Housing and Community Development (HCD) ...”
 - ii. Paragraph 5, line 3: “He addressed the lack of a CEQA finding within the resolution ...”
3. Page 8, paragraph 1, line 2: “...and recused himself from hearing the aforementioned ~~time~~ item and ...”
4. Page 9:
 - a. Paragraph 1, line 4: “He presented details of the phase-one park plan which consists of a promenade for activities, ...”
 - b. Paragraph 2, line 5: “Mr. Nilmeier addressed the use ~~of~~ enhanced materials, the architectural elements for façades, and ...”
5. Page 10:
 - a. Paragraph 4: “Vice Chair Tucker reiterated ~~that the~~ need to make the building look less “institutional.”
 - b. Paragraph 6, line 5: “... and Mr. Shopoff’s assertion that he would be working with ~~them~~ the Newport Mesa School Board regarding the matter, ...”
 - c. Paragraph 11, final line: “... with changes as recommended ~~by~~ per discussion above.”
6. Page 12, last line: “The agenda for the Regular Meeting was posted on August 16, 2013, at 3:00 p.m., in the binder and on the City Hall Electronic Bulletin Board located in the entrance of the Council Chambers at 100 Civic Center Drive.”

Item No. 2 Uptown Newport MSDR (PA2013-129)

1. I submitted [written comments](#) on this item in connection with the original hearing on August 22. Some of them remain valid:
 - a. I continue to think that the Commission should be aware of the changes to the parcel map made at a Zoning Administrator hearing on [June 27](#), which will be ratified by this approval. Those changes, from 2 lots to 4, seem inconsistent with the previously-approved Phasing Plan.
 - b. The City's "Current Projects & Issues" page informing the public about the status of the [Uptown Newport Project](#) continues to fail to mention the most public meetings regarding the project, including the present one.

Item No. 3 Lido Villas (PA2012-146)

1. I submitted preliminary [written comments](#) on this item in connection with the original hearing on August 22.
2. I have still not had time to carefully read the [Mitigated Negative Declaration](#), but continue to think the draft Resolution of Approval presents a garbled version of the period during which it was officially circulated for public review, with the end date being variously stated as August 12, 13 or 14. My understanding is the public is still free to comment upon and question the propriety of the *Mitigated Negative Declaration* up to and including the City Council hearing at which it is proposed to be adopted (tentatively [scheduled](#) for November 12, 2013, although staff has no obligation to respond to comments received after the close of the original public review period, whenever that was).
3. Regarding the **draft Resolution of Approval** starting on handwritten page 13 of the printed staff report for the September 5 meeting:
 - a. Section 1.1:
 - i. Line 3: "... as shown on **the** map recorded in Book 28, ..."
 - ii. Second line from end: "... a General Plan amendment (**GPA**), Coastal Land Use Plan (**CLUP**) amendment, ..." [abbreviations used on next page, otherwise not defined]
 - b. Section 1.10: Are "(PI, 0.75 FAR)" and "(RM, 2178)" really "Zoning designations"? The Resolution previously says the Zoning is "PI" and "RM." The significance of the "2178" is not explained, but is apparently "Site Area [minimum square feet?] per Dwelling Unit" (= 20 dwelling units per acre?)
 - c. Section 1.11: The event on August 22 was a **presentation**, *not* a **public hearing** since the public was neither invited nor allowed to speak. This section should probably say the hearing was continued to September 5.
 - d. Section 2.2: see previous written comments. The public was told the comment period ended at 5:00 pm on August 12.
 - e. Section 3.6: I find the arguments for waiving the 10 acre minimum requirement for supplanting the Zoning Code with a PC Zoning District unpersuasive. I fail to see why 1.2 acres at this location is similar to 10 acres in other areas where PC texts are in effect. What other examples of similarly small PC Zoning Districts are there in the City?

- f. Section 4.2: As noted below, Exhibit “E” no longer includes the PC text, even though the approval says it does.
- g. **Site Development Review:**
 - i. B-5: “Mechanical equipment for the residential units ~~have~~ has been located within enclosures at the roof deck level ...”
 - ii. B-6: I fail to see how the 6-foot block wall is consistent with the Lido Village Design Guidelines vision of pedestrian openness and connectivity.
 - iii. B-11 : “... and 12 residential guest parking spaces, which ~~can be~~ are provided entirely on-site.”
 - iv. C-2: “... to accommodate and provide safe access for emergency vehicles, delivery trucks, and refuse ~~collections~~ collection vehicles, as determined by the City Traffic Engineer.”
- h. **Tentative Tract Map:**
 - i. I-1: “The applicant will be responsible for the payment of appropriate fair share, housing in-lieu, and park fees for the development of these new dwelling units as conditions of approval.”
 - ii. J-2: Abbreviation “SWPPP” is not explained.
- i. Exhibit “E” -- Zoning Map Amendment And **Lido Villas Planned Community Text** :
 - i. The former draft Resolution had a copy of the PC text at this point; this one does not.
- j. Exhibit “F” -- **Conditions of Approval** :
 - i. Condition 6: Does this mean the applicant might be eligible for a cash credit for the reduction in commercial area?
 - ii. Condition 9: “... in substantial conformance with the approved Tentative Tract Map No. ~~174555~~ 17555 dated May 16, 2013.” [? the map number is given differently in different places]
 - iii. Condition 11: “A total of 46 enclosed garage parking spaces and 12 ground level guest parking spaces shall be provided within ~~the~~ as illustrated on the approved plans.” [? possibly a word is missing]
 - iv. I have not had time to read the remainder of the conditions.
- k. Attachment No. PC 2 Revised Draft Planned Community Development Plan :
 - i. 1.0: “The Lido Villas Planned Community Development Plan (~~P~~ PCDP) is composed of 23 single family residential townhomes, totaling 63,592 square feet. It is located on the site across from the ~~current~~ former City Hall building and bounded by ...” Also, where is “the City’s Lido Village Concept Plan” available for inspection?
 - ii. 2.8. (Landscaping/Irrigation) : This seems partially redundant with 3.1.i (Irrigation Guidelines).
 - iii. 2.8. (Fences and Walls) : Again, why the requirement for a 6-foot wall in a pedestrian friendly community? And why are there two sections labeled “8”?
 - iv. 2.9 and 2.11: Is it supposed to be “electrical engineer” or “lighting engineer”?

- v. 2.10: Why is there is no section 2.10?
- vi. 2.15: Does this mean temporary structures and uses will *always* be allowed in this PC with no restrictions, and how does this mesh with the new *Prohibited Uses* language in 3.1?
- vii. 3.1.3.b (Floor Area per Unit): Is this *gross* floor area?
- viii. 3.1.3.d (Exceptions to Building Height): “*Deck railings may exceed the building height limit ~~and but~~ shall not exceed 35 feet 4 inches in height, ...*”
- ix. 3.1.3.g : “...shall be provided for the community (at a rate of 75 sq. ft. per dwelling unit) with ...”
- x. 3.1.3.h : I don’t believe the tree species proposed match those allowed by the current *Official Tree List*, as required by the NBMC.
- xi. 3.1.3.h : Line 3 from end: “*Plant selection shall be harmonious ~~to~~ with the character of the project and surrounding projects ...*”
- xii. 3.1.3.j : “...shall be designed and maintained in a manner which ~~minimized~~ minimizes impacts on ...”
- xiii. 3.1.3.k : I don’t believe the City currently has a person called “*Director of Planning.*”